

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON, et. Al.

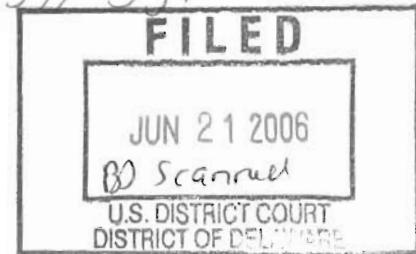
Plaintiffs,

v.

STANLEY TAYLOR, et. Al

Defendants

C. A. NO. 05-399-JJF



Plaintiffs Memorandum of Points and Authorities in support of Their Opposition To Defendants Motion to Dismiss/summary Judgment, Amended Motion Support

Plaintiffs filed this law suit on June 15, 2005. On August 11, 2005 plaintiffs filed the First Amended complaint. Defendants filed a motion to Dismiss on April 18, 2006. on May 5, 2006 plaintiffs filed an answer to defendants motion to Dismiss. Plaintiffs also filed motion to Amend the complaint.

Dealing with Retaliation

INMATE WILSON was moved to A.S.D.A. out of the merit building, then to P.I. building where he was classified to M.H.U. D.C.C. (Pending Grievance) where he now reside. INMATE Wilson has no work-ups and was not given any hearing for his moving to A.S.D.A, P.I. and D.C.C. M.H.U.

INMATE Wilson was told by Karl Pauline officer that works at S.C.I that the institution was trying to do him like they did Robert Saunders (They moved inmate Saunders because he filed Grievances).

Inmate Wilson was classified to the Medit building and worked as a Tutor in the Educational department. Due process is the right to be heard, confront my accuser etc.

Inmate Wilson was moved and denied his due process. Inmate Wilson was constantly harassed by % Stoltzenbach and was written up by % Stoltzenbach while % Stoltzenbach did not write up the white inmates *Bart v. Tefford*, 677 F.2d 622 (7th Cir 1982).

The institution is now retaliating against inmate Wilson violating his Constitutional Rights to express his 1st Amend. Rights to freedom of expression. Inmate Wilson was doing something that he had a constitutional right to do. (file grievances and law suits). The institutions actions toward inmate Wilson was "Adverse Action" for him filing grievances and law suits, this "causal connection" is because of inmates Wilson expressing his first amendment right. The institution adverse action is directly related to inmate Wilson Protected conduct.

Inmate Wilson should have not been Transferred to D.C.C. or Administrative moved for filing law suits or grievances *Allah v. Seveleing*, 229 F.3d 220 (3d Cir. 2000)

In the plaintiffs prayer for relief (P.) plaintiffs asks the court for an order restraining defendants to prevent ANY physical, mental, direct or indirect harassment, Treatment or unfair classification, Administrative movement, or illegal transfer of plaintiffs as a result of their filing their complaint. Inmate Wilson is housed in the M.H.U. where he only comes out 2 hrs a day. legal access has

Inmate Wilson has a liberty interest when the prison's actions interfere with or violate his constitutionally protected rights. Inmate Wilson was housed in the meat building and working as a Tote when he was moved and classified to D.C.C. ~~so~~ Inmate Wilson is no longer earning good time or wages and was moved for no infractions. His procedural due process has been violated along with liberty interest.

Inmate Wilson and plaintiffs are not complaining about classification, housing or jobs. Plaintiffs are complaining that due process is being violated. When plaintiffs are not given the right to appeal and do sanctions before being classified out of the building.

In Wolff v. McDonnell, 418 U.S. 539 (1974), the Supreme Court found that, when prisoners loss good time credits because of a disciplinary ~~action~~ violation they are entitled to: (1) written notice of the disciplinary violation; (2) the right to call witnesses at their hearing; (3) assistance in preparing for the hearing; (4) a written statement of the reasons for being found guilty; and (5) a fair and impartial decision-maker in the hearing.

Plaintiffs filed complaint alleging that they are not being given affordable due process SEE complaint

IN plaintiffs complaint Disciplinary-Interactional RACIAL DISCRIMINATION #16 Black prisoners in the Mxit building. Primarily if not exclusively westside black prisoners, are denied procedural due process at disciplinary hearings as follow: (A) refusal to call black prisoners' witnesses; (B) failure to provide a meaningful explanation of finding of guilt; (C) convicting black prisoners of disciplinary offense that are unsupported by any evidence; and (D) supervisory official failure to correct due process violations on administrative appeal.

plaintiffs suggest that Defendants read the complaint as the Court has recognized cognizable claims: Fourteenth Amendment due process claim, equal protection claim and Eight Amendment claims.

Inmates Nathan Henry, Eldon Potts, Jerome Green, Howard Parker, and James Wilson has been moved out of the Mxit building in violation of their Constitutional Rights. Inmate Wilson is personally injured by the institution.

Conclusion

For all the reasons stated above, Plaintiffs respectfully request this Honorable Court enter an order granting Plaintiffs motion to Amend and deny defendants motion to Dismiss and Summary Judgment.

James W. Doan, Esq.
M.H.U. Building #23 C-6-6
1181 Parkside Rd.
Smyrna, DE 19977 (P.C.C.) (4)

Dated: June 18, 2006

I James Wilson, depose that I sent the following
plaintiffs memorandum of points and authorities in support
of their opposition to defendants motion to Dismiss, Summary
Judgment, Amended motion support. To the following entities:

MS. Lisa Barchi
Deputy Attorney General
Department of Justice
820 N. French St. 6th fl.
(Wilm, De. 1980)

U.S. District Court
JJF
844 King St, Lockbox 18
Wilm, De. 19801-3570

by placing in the U.S. mail on this 18 day of
JUNE 2006

Date 6/18/06

James A. Wilson
et. al.



1/M: JAMES WILSON BLDG: M.U.U. Bldg #23 C-L-6
WILMINGTON DE 1997

20 JUN 2006 PM 2 L

1181 Paddock Rd.
Smyrna, DE 19971
(D.C.T.)

U.S. District Court

JDF 844 King St.
Lockbox 18 Wilm. De. 19801-3570

RECEIVED 6/21/2006 1:32 PM COA